

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

**ELEANOR McCULLEN, JEAN
BLACKBURN ZARRELLA,
GREGORY A. SMITH, CARMEL
FARRELL, and ERIC CADIN,**

Plaintiffs,

v.

**MARTHA COAKLEY, Attorney
General for the COMMONWEALTH OF
MASSACHUSETTS,**

Defendant.

Civil Action No._____

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs, pursuant to Fed. R. Civ. P. 65(a) and Local Rule 7.1, hereby move the Court for entry of a preliminary injunction enjoining enforcement of Mass. Gen. L. chapter 266: Section 120E1/2(b), as amended, on the ground that it is unconstitutional on its face and as applied. In support of the motion, attached hereto as exhibits 1 through 12 are the declarations of Eleanor McCullen, Jean Blackburn Zarrella, Carmel Farrell, Eric Cadin, Gregory A. Smith, William Cotter, Esther Ripplinger, Sherri Lewellyn, Molly White, Marlynda Augelli, Magdalena Sam Castro, and Susanna Brennan. Simultaneously herewith Plaintiffs also submit a memorandum of law.

WHEREFORE, Plaintiffs request that their motion for preliminary injunction be granted.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiffs request oral argument because they believe it will aid the Court in deciding the motion.

CERTIFICATION OF COMPLIANCE

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel for Plaintiffs hereby certifies that on Monday, December 31, 2007 he conferred on this motion with Kenneth W. Salinger, Esq., Administrative Law Division, Office of the Attorney General, Commonwealth of Massachusetts. Attorney Salinger stated that the Commonwealth will oppose this motion.

/s/ Michael J. DePrimo
Michael J. DePrimo, Esq.
Pending admission *pro hac vice*
Counsel for Plaintiffs

Respectfully submitted,

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